

REMARKS

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e. Claims 40-62) is respectfully requested in view of the foregoing amendments and the following remarks.

Initially, applicant would like to thank the Examiner for his indication that the claims would be allowable if various objections under 35 U.S.C. § 101 and 112 were overcome. With regard to the rejection under 35 U.S.C. §101, the Examiner considered that claims 40 and 47 positively recited part of a human body, i.e., the femur. The Examiner then suggested language changes which would overcome this objection. Applicant has adopted the language changes and therefore it is believed that this rejection is overcome. Applicant further considers that the changes made did not, in any way, narrow the scope of the claims from their as filed condition.

The Examiner rejected claims 47, 48 and 49 because an element in those claims lacked proper antecedent basis for certain terms therein. Applicant has amended the claims to provide sufficient antecedent basis and again considers that the claims have not been narrowed in scope from those originally filed.

The Examiner also objected to the language of the Abstract which applicant has rewritten to remove the formal language contained therein and to make the Abstract more readable.

The Examiner also objected to the drawings because they failed to show the adjustable first arm as claimed in claim 41. In order to overcome this objection, applicant has amended claim 41 and to require that the drill guide of claim 40 is adjustable along the length of the first arm. This adjustability of the drill guide is shown in the figures. Therefore it is believed the drawings filed on April 23, 2002 are acceptable.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: April 2, 2004

Respectfully submitted,

By 

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ABSTRACT OF THE DISCLOSURE

A Targeting apparatus for use in performing endofemoral osteotomy surgery
has comprising a support element provided with a drill guide, The apparatus has a
connector means for securing a support element to the proximal end of a prosthesis to
be implanted. The apparatus and which includes a proximal location element which is
shaped to extend around the great trochanter and muscles of the femur in which the
implant is to be located, An adjustor is provided and means for adjusting the angular
position of the drill guide in relation to the femur about a proximal-distal axis.

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ABSTRACT OF THE DISCLOSURE

A targeting apparatus for use in performing endofemoral osteotomy surgery has a support element provided with a drill guide. The apparatus has a connector for securing a support element to the proximal end of a prosthesis to be implanted. The apparatus includes a proximal location element which is shaped to extend around the great trochanter and muscles of the femur in which the implant is to be located. An adjustor is provided for adjusting the angular position of the drill guide in relation to the femur about a proximal-distal axis.